

manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. ENFORCEMENT OF INTELLECTUAL PROPERTY PROVISIONS OF ECONOMIC AND TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CHINA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Agreement includes significant mandates for the People's Republic of China related to its domestic intellectual property regime, including with respect to copyrights, trademarks, trade secrets, and patents;

(2) the changes included in the Agreement, if implemented effectively, should improve the domestic intellectual property framework of the People's Republic of China, which has historically proven to harm the innovation and creative communities in the United States;

(3) despite commitments made by the Government of the People's Republic of China under the Agreement, ongoing market access barriers, uneven enforcement, measures requiring forced technology transfer, and serious deficiencies in the rule of law continue to make the business environment in the People's Republic of China highly challenging for rights holders in the United States;

(4) as reflected in the 2021 report by the United States Trade Representative required under section 182(h) of the Trade Act of 1974 (19 U.S.C. 2242(h)) (commonly referred to as the "Special 301 Report"), the People's Republic of China has consistently been listed in that annual report since 1989 as a trading partner of the United States that "fails to provide adequate and effective IP protection and enforcement for U.S. inventors, creators, brands, manufacturers, and service providers, which, in turn, harm American workers"; and

(5) Congress encourages the United States Trade Representative, the Attorney General, the Secretary of State, the Secretary of Homeland Security, the Secretary of Commerce, and the Director of the United States Patent and Trademark Office—

(A) to use all available tools to ensure that the People's Republic of China fully implements its commitments under the Agreement; and

(B) to actively consider additional means to require the People's Republic of China to address unfair market access barriers, forced technology transfer requirements, and broader intellectual property theft concerns, including through future trade agreements and working with partners in multilateral organizations, such as the Group of 7 (G7), the Group of 20 (G20), and the World Trade Organization.

(b) ENFORCEMENT OF AGREEMENT.—The President, acting through the United States Trade Representative, shall coordinate with the heads of such Federal agencies as the President considers appropriate to enforce the actions related to intellectual property laid out in the Agreement including—

(1) the civil, administrative, and criminal procedures and deterrent-level civil and criminal penalties provided in the Agreement; and

(2) by using the full enforcement authority of the President, including any enforcement authority in connection with the identification and reporting process under section 182 of the Trade Act of 1974 (19 U.S.C. 2242).

(c) REPORT ON STATUS OF IMPLEMENTATION OF CERTAIN OBLIGATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the United States Trade Representative shall submit to the appropriate committees of Congress a report on the status of the implementation by the People's Republic of China of its obligations under Chapter 1 of the Agreement.

(2) INFORMATION IN REPORT.—Each report required by paragraph (1) shall contain information sufficient to enable the appropriate committees of Congress to assess the extent of the compliance by the People's Republic of China with the Agreement, including appropriate quantitative metrics.

(d) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term "Agreement" means the Economic and Trade Agreement Between the Government of the United States of America and the Government of China, dated January 15, 2020.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SA 1788. Mr. DAINES (for himself and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 3101, insert after subsection (c) the following:

(d) SPECIAL FOCUS ON CRITICAL MINERAL PRODUCTION SUPPLY CHAINS.—The Secretary of State and Secretary of Commerce shall coordinate with the Secretary of Energy to include in the services described in subsection (a) a focus on assisting interested United States persons and business entities with critical mineral supply chain management issues, diversification, domestic production, and management.

SA 1789. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . COVERED PROJECTS UNDER TITLE XLI OF THE FAST ACT.

Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended, in the matter preceding clause (i), by inserting "critical minerals production," before "or any other sector".

SA 1790. Mrs. BLACKBURN submitted an amendment intended to be

proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, on line 10, insert " , including optical transmission equipment," after "technology".

SA 1791. Ms. LUMMIS (for herself, Mr. WYDEN, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 63 ____ . ROYALTY RATE ON SODIUM PRODUCED ON FEDERAL LAND.

Notwithstanding section 102(a)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, beginning on the date of enactment of this Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land shall be 2 percent.

SA 1792. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. PROHIBITION ON WAIVERS OF AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS WITH RESPECT TO COVID-19 VACCINES.

The President may not assent to any waiver of any intellectual property protections under the Agreement on Trade-Related Aspects of Intellectual Property Rights of the World Trade Organization with respect to COVID-19 vaccines.

SA 1793. Mr. DAINES (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a

new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . STUDY RELATING TO CONSEQUENCES AND BENEFITS OF AMENDING THE CFAA.

(a) **STUDY.**—The Secretary of Homeland Security, in consultation with the heads of other appropriate agencies, shall conduct a study on the consequences and benefits of amending section 1030 of title 18, United States Code (commonly known as the “Computer Fraud and Abuse Act”), to allow private entities to take proportional actions in response to an unlawful network breach, subject to oversight and regulation by a designated Federal agency.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report on the findings of the study conducted under subsection (a), including any recommendations, to Congress.

(2) **REQUIRED CONTENTS.**—The report required under paragraph (1) shall include recommendations for which Federal agency or agencies may authorize proportional actions by private entities, which entities would be allowed to take such actions and under what circumstances, and what actions would be permissible.

SA 1794. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . HIGH RESEARCH ACTIVITY STATUS HBCUS.

(a) **FINDINGS.**—Congress finds the following:

(1) Historically Black Colleges and Universities hold a unique position in our efforts to diversify the science, technology, engineering, and mathematics academic and workforce communities.

(2) Even though our Nation’s Historically Black Colleges and Universities make up just 3 percent of the colleges and universities in the United States, they graduate 25 percent of African-American students with bachelor’s degrees in science, technology, engineering, and mathematics fields.

(3) Historically Black Colleges and Universities are the institution of origin among almost 30 percent of Black graduates of science and engineering doctorate programs.

(4) Historically Black Colleges and Universities are leaders of our Nation’s research and development enterprise, and they are paving the way across sectors, having received over 100 utility patents in 40 years.

(5) A team of computer scientists at Morgan State University are conducting research to automate detection of concepts in biomedical images to reduce the burdens of annotation and interpretation of medical images while providing a decision support system for medical practitioners.

(6) Researchers at Howard University conducted a study across 6 decades to determine the underlying causes of the recent rapid increase in the incidence and diagnosis of hepatocellular carcinoma and liver metastases in Washington, DC, which is disproportionately impacting the Black population.

(7) In 2019, Historically Black Colleges and Universities received \$371,000,000, or about 0.8 percent of the \$44,500,000,000 in Federal funding to institutions of higher education for research and development.

(8) This number is a marked decrease from fiscal year 2018, when Historically Black Colleges and Universities received \$400,000,000 (0.9 percent) in Federal research and development funding.

(9) While there are 11 high research activity status Historically Black Colleges and Universities—Clark Atlanta University, Delaware State University, Florida A&M University, Hampton University, Howard University, Jackson State University, Morgan State University, North Carolina A&T University, Tennessee State University, Texas Southern University, and University of Maryland Eastern Shore—there are no very high research activity status Historically Black Colleges and Universities.

(10) Meaningfully investing in the research capacity of Historically Black Colleges and Universities is an investment in our Nation’s future and will help meet the accelerating science, technology, engineering, and mathematics workforce demands in the United States.

(b) **PURPOSES.**—The purposes of the program established under this section shall be—

(1) to enable high research activity status Historically Black Colleges and Universities to achieve very high research activity status; and

(2) to increase the national number of African-American undergraduate and graduate students with degrees in science, technology, engineering, and mathematics.

(c) **DEFINITIONS.**—In this section:

(1) **DIRECTOR.**—The term “Director” means the Director of the National Science Foundation.

(2) **FEDERAL SCIENCE AGENCY.**—The term Federal science agency means any Federal agency with an annual extramural research expenditure of over \$100,000,000.

(3) **HIGH RESEARCH ACTIVITY STATUS.**—The term “high research activity status” means such status, as classified by the Carnegie Classification of Institutions of Higher Education.

(4) **HISTORICALLY BLACK COLLEGE OR UNIVERSITY.**—The term “Historically Black College or University” has the meaning given the term “part B institution” under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(5) **VERY HIGH RESEARCH ACTIVITY STATUS.**—The term “very high research activity status” means such status, as classified by the Carnegie Classification of Institutions of Higher Education.

(d) **VERY HIGH RESEARCH ACTIVITY STATUS HISTORICALLY BLACK COLLEGES OR UNIVERSITIES PROGRAM.**—

(1) **PROGRAM.**—The Director is authorized to establish and carry out a program to make awards to grow high research activity status (R2) Historically Black Colleges or Universities to achieve very high research activity status (R1) while increasing the national number of African American under-

graduate, graduate, and post-doctoral students with degrees in science, technology, engineering, and mathematics. The Director may expand the program to other Historically Black Colleges or Universities beyond those Historically Black Colleges or Universities classified as high research activity status universities if the Director determines that the program can support such an expansion.

(2) **GRANTS.**—In carrying out the program, the Director shall award grants for scientific research on a competitive, merit-reviewed basis to Historically Black Colleges or Universities that are classified as high research activity status institutions at the time of application for such a grant.

(3) **INSTITUTIONAL AWARD LIMITATIONS.**—The Director may award not more than \$25,000,000 per year for a single institution under this section.

(4) **APPLICATION.**—

(A) **IN GENERAL.**—To be eligible to receive a grant under this section, a Historically Black College or University described in paragraph (2) shall submit an application to the Director at such time, in such manner, and containing such information and assurances as the Director may require.

(B) **CONTENTS.**—The application described in subparagraph (A) shall include, at a minimum, a description of—

(i) a plan for increasing the level of research activity and achieving very high research activity status classification within 10 years of the grant award, including measurable milestones such as growth in research expenditures, number of research doctoral degrees awarded, number of research-focused faculty, and other relevant factors;

(ii) how the institution of higher education will sustain the increased level of research activity beyond the duration of the award; and

(iii) how the implementation of the proposed plan will be evaluated and assessed.

(5) **PROGRAM COMPONENTS.**—

(A) **STRATEGIC AREAS OF SCIENTIFIC RESEARCH.**—Through coordination with Historically Black Colleges or Universities that are eligible to receive a grant under this section, the Director, or the Director’s designee, shall establish mechanisms through which applicants can seek funding under this section.

(B) **USE OF FUNDS.**—An institution that receives a grant under this section shall use the grant funds to support research activities, including—

(i) faculty professional development;

(ii) stipends for graduate and undergraduate students and post-doctoral scholars;

(iii) laboratory equipment and instrumentation; and

(iv) other activities necessary to build research capacity.

(C) **RESEARCH ASSESSMENT.**—

(i) **IN GENERAL.**—An institution that submits a proposal for a grant under this section shall submit with their proposal a plan that describes the institution’s plan to achieve very high research activity status, including making investments with institutional and non-Federal funds, to achieve that status within a decade of the grant award, to the extent practicable.

(ii) **UPDATED PLAN.**—An institution that receives a grant under this section shall submit to the Foundation an updated plan described in clause (i), not less than once every 3 years, which shall be based on a self-assessment of progress in achieving very high research activity status.

(D) **TRANSITION ELIGIBILITY.**—The Director may consider creating pathways for new Historically Black Colleges or Universities to enter into the program under this section as